

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Improving Public Safety Communications in the)	WT Docket No. 02-55
800 MHz Band)	

**MOTION OF THE 800 MHz TRANSITION ADMINISTRATOR
FOR EXTENSION OF TIME**

Pursuant to Section 1.46 of the Commission’s rules, 47 C.F.R. § 1.46, the 800 MHz Transition Administrator (“TA”) hereby requests a 60-day extension in which to provide the Commission with its initial deliverable of an 800 MHz band reconfiguration schedule and non-Nextel Enhanced Specialized Mobile Radio (“ESMR”) relocation elections.

The *800 MHz Order* requires the TA, within 30 days of Commission approval of the TA, to “provide the Commission with a schedule detailing when band reconfiguration shall commence for each NPSPAC Region.” Additionally, the schedule must “detail—by NPSPAC Region—which relocation option each non-Nextel ESMR licensees has chosen.”¹ The Wireless Telecommunications Bureau, on delegated authority, released a Public Notice concurring with the selection of the team comprised of BearingPoint, Inc., Squire, Sanders & Dempsey L.L.P.,

¹ *Improving Public Safety Communications in the 800 MHz Band*, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd 14969 ¶ 201 (2004) (citations to subsequent errata omitted) (“*800 MHz Order*”).

and Baseline Telecom, Inc. to serve as TA on October 29, 2004.² Accordingly, the TA's initial deliverable is currently due to the Commission by November 29, 2004.

The requested extension of the TA's initial deliverable will enable the TA to more effectively conduct industry outreach initiatives and obtain as much informal input as possible from the various stakeholders in order to develop a more comprehensive and consensus-based relocation schedule. Grant of the requested extension will also enable the TA to involve interested stakeholders in the process at the outset in an effort to create the optimal relocation schedule and help avoid unforeseen problems and challenges to the schedule ultimately delivered to the Commission. For example, the TA has been contacted on behalf of public safety stakeholders that have requested additional time so that they may inform the TA of their concerns. The TA believes that an extension would serve the public interest by giving all interested parties time to comment and fully participate in the development of the plan.

Additionally, the TA understands that, in the very near future, the Commission will provide additional guidance and clarification regarding the relocation criteria to be utilized in determining the 800 MHz band reconfiguration schedule.³ More specifically, the Commission is currently considering a request from Nextel to allow additional flexibility in the relocation process.⁴ This additional guidance from the Commission will be informative to the TA and will be appropriately factored into the reconfiguration schedule. The ability of the TA to create a

² *Wireless Telecommunications Bureau Concurs With Search Committee Selection of a Transition Administrator*, Public Notice, WT Docket No. 02-55, DA 04-3492 (rel. Oct. 29, 2004).

³ See *800 MHz Order* ¶ 195. Currently, the *800 MHz Order* could be read to suggest that the TA may be limited to consideration of population and unusually severe instances of unacceptable interference when creating the initial relocation schedule.

⁴ See *Commission Seeks Comment on Ex Parte Presentations and Extends Certain Deadlines Regarding the 800 MHz Public Safety Interference Proceeding*, Public Notice, FCC 04-253 (rel. Oct. 22, 2004).

relocation proposal incorporating this guidance will result in a more detailed and strategically considered relocation schedule that is also more likely to maximize the effectiveness of the relocation process, the mitigation of harmful interference, and the efficient use of resources and minimize the potential for problems and associated delays. The TA believes that, even with the requested extension of this initial deliverable, the ultimate end-date of the 800 MHz rebanding process will not be impacted.

A 60-day extension is also warranted due to the different triggers for ESMR elections contained in the *800 MHz Order* and the lack of Federal Register publication of the *800 MHz Order*. Pursuant to the *800 MHz Order*, non-Nextel ESMRs are required to establish their status as an ESMR as of the date of the publication of the *800 MHz Order* in the Federal Register.⁵ The delay in Federal Register publication of the *800 MHz Order* has potentially created confusion and has significantly shortened the timeframe available for non-Nextel ESMRs to make their required elections to the TA in light of the TA's November 29, 2004 initial deliverable deadline. Granting of the requested extension will help ameliorate the potential effect of these timing issues. The requested extension will also provide non-Nextel ESMRs with additional time to contact the TA with their relocation elections and supporting information. In this respect, the TA asks the Commission to inform non-Nextel ESMRs that they are expected to contact the TA directly with their relocation elections and supporting information sufficient to demonstrate that they meet the definition of an ESMR at least 15 days prior to the TA's initial deadline.

⁵ See *800 MHz Order* ¶ 163.

For the foregoing reasons, the 800 MHz TA respectfully requests that the Commission extend until January 31, 2005 the deadline for the TA to provide the Commission its 800 MHz reconfiguration schedule and non-Nextel ESMR relocation elections.

Respectfully submitted,

THE 800 MHz TRANSITION ADMINISTRATOR

/s/ Robert B. Kelly

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